

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

In re:

TEHUM CARE SERVICES, INC.,

Debtor,

Chapter 11

Case No.: 23-90086 (CML)

**MOTION BY CREDITOR JEMME J. JENKINS  
FOR ORDER DEEMING PROOF OF CLAIM TIMELY FILED**

Creditor Jemme J. Jenkins, individually, and representative of the Estate of Jimmie Alexander, Sr. (hereinafter, “**Creditor**”), by his undersigned attorney, hereby moves this Court to deem his proof of claim as timely filed in the bankruptcy proceeding filed by debtor Tehum Care Services, Inc. (“**Debtor**”).

Creditor did not receive timely notice of the deadline to file a proof of claim. Creditor’s name was listed on the Debtor’s schedules with an address of 110 Center Drive, Brunswick, Georgia. However, Creditor did not reside at that address or receive mail sent to that address at any time from February 13, 2023, when this case was filed, through August 14, 2023, the deadline to file a proof of claim in this case. Thus, Creditor did not receive the statutory notice of the deadline to file a proof of claim and Creditor did not have reasonable time to file a proof of claim before the August 14, 2023, deadline to file a proof of claim. Creditor first received notice of this bankruptcy case and the bar date on or about November 6, 2023. Creditor filed Proof of Claim 753 on February 1, 2024. Creditor’s affidavit as to the above facts is attached as **Exhibit “A”**.

At that time, the undersigned contacted Debtor’s counsel and asked for consent to deem the claim timely-filed. Debtor’s counsel responded that they did not have authority to do so, and that authority rested with the liquidating trustee to be appointed later. Also at that time, the Tort Claimants’ Committee had a pending motion to dismiss the case (Dkt. 1260) which, if granted,

would have rendered the timeliness of the proof of claim moot. Because the Court has now denied the motion to dismiss and it now appears that the Debtor, the Unsecured Creditors Committee and the Tort Claimants Committee all support the proposed plan of reorganization, Creditor brings this motion to deem his proof of claim timely.

Pursuant to Federal Rule of Bankruptcy Procedure 3002(c)(6) and Local Rule 3003-1(c)(4), this Court may extend the time in which a creditor may file a claim by not more than sixty days from the date of the order granting the motion if the court determines that notice was insufficient under the circumstances to give creditor a reasonable time to file a proof of claim.

Creditor respectfully submits the notice was insufficient under the circumstances to give Creditor a reasonable time to file a proof of claim. Creditor shows that it did not receive notice of the bankruptcy case and the deadline to file a proof of claim until three months after the time for filing a proof of claim had expired. Creditor filed a proof of claim soon after learning of the bankruptcy case and the requirement to file a proof of claim. Creditor now has requested that the undersigned file a notice of appearance in this case and seek an order from the Court to preserve Creditor's rights in this case.

Creditor further submits that neither Debtor nor any other party-in-interest would be prejudiced by the relief requested. Debtor, the Official Unsecured Creditor's Committee, and the Tort Claimants' Committee recently filed a proposed joint plan of reorganization and disclosure statement, with the hearing on the disclosure statement set for November 6, 2024. Thus, the granting of this motion would not interfere with this Chapter 11 case. A proposed order is attached as **Exhibit "B"**.

Creditor's claims arise out of the death of his father and Creditor promptly filed a proof of claim upon learning of the deadline to file a proof of claim. Accordingly, Creditor requests that the Court deem Proof of Claim 753 by Creditor as timely filed.

WHEREFORE, Creditor respectfully requests that this Court enter an Order deeming Proof of Claim 753 by Creditor as timely filed and for such other relief as is just and proper.

Respectfully submitted this 25<sup>th</sup> day of October, 2024.

**JONES & WALDEN LLC**

/s/ Thomas T. McClendon

Thomas T. McClendon

Georgia Bar No. 431452

*Pro Hac Vice*

699 Piedmont Avenue NE

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*Attorney for Jemme Jenkins Jr.*

**EXHIBIT A**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

In re:

TEHUM CARE SERVICES, INC.,

Debtor,

Chapter 11

Case No.: 23-90086 (CML)

**AFFIDAVIT OF JEMME JENKINS JR.**

1. I am over 18 years of age and a resident of Georgia and give this affidavit based on personal knowledge and give this affidavit in support of the *Motion by Creditor Jemme J. Jenkins, Jr. for Order Deeming Proof of Claim Timely Filed*.

2. I am the representative of the Estate of Jimmie Alexander, Sr. and of the heirs for the survival action and wrongful death action of Jimmie Alexander, Sr., filed in the U.S. District Court for the Southern District of Georgia (the “**Underlying Litigation**”).

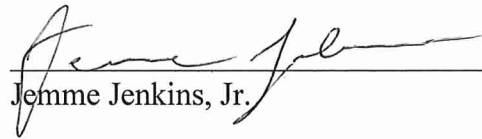
3. On or about November 21, 2022, I moved from Concorde Suites, 110 Center Drive, Room 226, Brunswick, Georgia, which is an extended stay facility and no longer received mail at that address during the rest of 2022 and all of 2023. See Exhibit 1. I moved to 3407 Johnston Street, Brunswick, GA 31520 where I lived from late November of 2022 until March of 2024.

4. In early November 2023, I was contacted by the manger of 110 Center Drive, Brunswick, GA and told of mail received from the U.S. Bankruptcy Court. I had not received any prior mailings from the Court about the case and was unaware of the proceedings.


5. On Monday, November 6, 2023, I picked up the letter and opened it. I saw that the letter was entitled Notice Of Filing Of Disclosure Statement Hearing Thereon, And Objections Deadline. I photographed the letter. See Exhibit 2 attached.

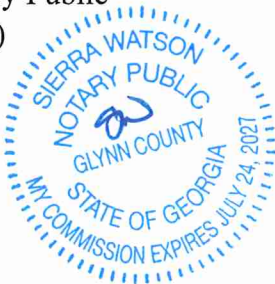
6. I sent the photograph to my attorney in the Underlying Litigation, who assisted me in filing a proof of claim in this case.

Affiant further sayeth naught.

  
Jemme Jenkins, Jr.

Sworn to and subscribed before me  
this 14 day of OCTOBER 2024.

  
\_\_\_\_\_  
Notary Public  
(Seal)



**Concorde Suites**

110 Center Dr  
Brunswick, GA 31520  
Phone 912-267-6442  
Fax 912-267-9096  
CCP-BW

**Customer Receipt**

Thursday, November 30, 2023 1:49 PM

**Jemme Jenkins**  
3407 Johnston St  
Brunswick Ga 31520 US

**Jemme Jenkins**  
US

#15342 •

Jemme Jenkins

Aug 02, 21 Mon - Nov 21, 22 Mon

Date	Receipt	Qty	Description	Tender	Amount	Balance	Running
1. Nov 21, 22 Mon	08:57 AM	644878	1 Queen Flat Rate Room Charge (226) Nov 21, 22 Mon 8:57 AM - Check Out		0.00	0.00	\$0.00
2. Nov 21, 22 Mon	08:57 AM	644878	1 Check Out Cleaning Fee Retail Sales		50.00	50.00	\$50.00
3. Nov 21, 22 Mon	08:57 AM	644878	1 Deposit Applied Credit		(100.00)	(50.00)	(\$50.00)
4. Nov 21, 22 Mon	08:57 AM	644878	1 Change	Cash	50.00	0.00	\$0.00

Charges/Debits: \$50.00 Payments/Credits: (\$50.00)

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- ✓ Pay online anytime in 30 sec.
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Visit [www.MyGuestPortal.com](http://www.MyGuestPortal.com)

Per your Rental Agreement with Concorde Suites, you understand that Concorde Suites is a hotel and follows the hotel laws and guidelines set out by the County of Glynn, State of Georgia. By paying your weekly rent, you acknowledge that Concorde Suites is a hotel and your stay is only for the days indicated on your payment receipt. This is



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**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

In re:

TEHUM CARE SERVICES, INC.,<sup>1</sup>

Debtor.

)  
) Chapter 11  
)  
) Case No. 23-90086 (CML)  
)  
) Re: Docket No. 1071  
)

**NOTICE OF FILING OF DISCLOSURE STATEMENT,  
HEARING THEREON, AND OBJECTION DEADLINE**

**PLEASE TAKE NOTICE** that on October 27, 2023, the Debtor and the Official Committee of Unsecured Creditors filed the *Second Amended Disclosure Statement Regarding Debtor and Official Committee of Unsecured Creditors' Second Amended Joint Chapter 11 Plan* [Docket No. 1071] (the "Disclosure Statement").

**PLEASE TAKE FURTHER NOTICE** that a *hybrid hearing* to consider final approval of the *Disclosure Statement* will take place on **Wednesday, December 6, 2023, at 1:00 p.m. Central Time**, before the Hon. Christopher M. López, United States Bankruptcy Judge for the Southern District of Texas, Houston Division (the "Hearing").

**PLEASE TAKE FURTHER NOTICE** that the deadline to object to final approval of *Disclosure Statement* is **November 30, 2023** (the "Objection Deadline"). Any objection to the *Disclosure Statement* must: (a) be in writing; (b) conform to the Bankruptcy Rules, the Bankruptcy Local Rules, and any orders of the Court; (c) state, with particularity, the basis and nature of the objection and, if practicable, a proposed modification to the *Disclosure Statement* that would be in the best interests of the estate.

<sup>1</sup> The last four digits of the Debtor's federal tax identification number is 8853. The Debtor's service address is Powell Place, Suite 104, Brentwood, Tennessee 37027.

4876-6762-1772

001KCO002\_132524-2\_debtorcase\_11200000112770000000

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EXHIBIT

2



**EXHIBIT B**

**IN THE UNITED STATES BANKRUPTCY COURT FOR  
THE SOUTHERN DISTRICT OF TEXAS HOUSTON  
DIVISION**

In re:

TEHUM CARE SERVICES, INC.,

Debtor,

Chapter 11

Case No.: 23-90086 (CML)

**ORDER ALLOWING FILING OF  
CLAIMS AFTER THE BAR DATE**

Upon consideration of the Motion by Creditor Jemme Jenkins, Jr. for Order Deeming Proof of Claim Timely Filed (the “Motion”), any responses thereto, and for good cause shown, it is hereby ORDERED that the Motion is GRANTED; and it is further

ORDERED that Creditor’s Proof of Claim 753 is deemed timely filed in this case.

Signed: \_\_\_\_\_, 2024

\_\_\_\_\_  
Christopher Lopez  
United States Bankruptcy Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that on the 25<sup>th</sup> day of October, 2024, the foregoing instrument was electronically filed with the Electronic Case Filing System for the United States Bankruptcy Court for the Southern District of Texas.

**JONES & WALDEN LLC**

/s/ Thomas T. McClendon

Thomas T. McClendon

Georgia Bar No. 431452

*Pro Hac Vice*

699 Piedmont Avenue NE

Atlanta, Georgia 30308

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[tmcclendon@joneswalden.com](mailto:tmcclendon@joneswalden.com)

*Attorney for Jemme Jenkins*